

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 35-43 and 45-57 are cancelled, claims 1-34 and 44 remain in this application as amended herein, and claims 58-61 are added. Accordingly, claims 1-34, 44, and 58-61 are submitted for the Examiner's reconsideration.

Claim 34 has been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1-5, 7-34, and 44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walker (U.S. Patent No. 5,794,207). Applicant submits that the claims are patentably distinguishable over the relied on sections of Walker.

Independent claims 1 and 44 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., Fig. 8A and pages 32-34 of the specification.

As amended herein, claim 1 recites:

receiving buying request data representing a buying order and a buying condition for the encryption key for the encrypted digital data, the buying request data being transmitted through the communication network;

receiving selling request data representing a selling request and a selling condition for the encryption key for the encrypted digital data, the selling request data being transmitted through the communication network;

deciding a transaction price for the encryption key for the digital data corresponding to the received buying request data and selling request data for the encryption key; and

concluding buying transactions and selling transactions corresponding to the decided transaction

price for the encryption key for the encrypted digital data[.]

(Emphasis added.) The relied on sections of Walker neither disclose nor suggest a buying order and a buying condition for an encryption key for encrypted digital data. Moreover, the relied on sections of Walker neither disclose nor suggest a selling request and a selling condition for an encryption key for encrypted digital data. Further, the relied on sections of Walker neither disclose nor suggest a decided transaction price for an encryption key for encrypted digital data.

Rather, the relied on sections of Walker only describe encryption keys that are used for encrypting a seller response and for decrypting a seller response. (See Figs.14 and 15, and col.24 l.65 - col.25 l.19.). Such sections of Walker are not at all concerned with buying an encryption key for encrypted digital data and are not at all concerned with selling an encryption key for encrypted digital data. Hence, these sections do not disclose or suggest the features set out in the above excerpt of claim 1.

Amended claim 1 also calls for:

wherein the encrypted digital data are converted into usable data by a process performed in accordance with auxiliary digital data corresponding to the digital data, and the auxiliary digital data includes validation period data indicating a period in which the encryption key may be used and limit period data indicating a period in which the encrypted digital data may be reproduced.

(Emphasis added.) The relied on sections of Walker neither disclose nor suggest auxiliary digital data that includes validation period data indicating a period in which the encryption key may be used. Moreover, the relied on sections of Walker neither disclose nor suggest auxiliary digital data that includes limit period data indicating a period in which the encrypted digital data may be reproduced.

Rather, such sections of Walker describe an expiration date for a buyer's conditional purchase offer (CPO). (See Fig.5 and col.7 ll.46-47.) These sections are not at all concerned with a period in which an encryption key may be used and are not at all concerned with a period in which encrypted digital data may be reproduced. Hence, the relied on sections of Walker do not disclose or suggest the features set out in the above excerpt of claim 1.

It follows, for at least the above reasons, that the relied on sections of Walker do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim.

Claims 2-5 and 7-34 depend from claim 1. Therefore, each of these claims is distinguishable over the relied on sections of Walker at least for the same reasons as its parent claim.

Independent claim 44, as amended herein, calls for:

wherein the digital data are converted into usable data by a process performed in accordance with auxiliary digital data corresponding to the digital data, and the auxiliary digital data includes an encryption key, validation period data indicating a validation period in which the encryption key may be used, and limit period data indicating a limit period in which the digital data may be reproduced.

(Emphasis added.)

Thus, claim 44 recites features similar to those set out in the above excerpt of claim 1 and is therefore patentably distinguishable over the relied on sections of Walker for at least the reasons set out above.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Fan (U.S. Patent No. 6,580,820). Applicant submits that the claim is patentably distinguishable over the relied on sections of the references.

Claim 6 depends from claim 1 and is therefore is distinguishable over the relied-on sections of Walker for at least the same reasons.

The relied-on sections of Fan do not overcome the deficiencies of the relied-on sections of Walker.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a).

New claims 58-59 depend from claim 1, and new claims 60-61 depend from claim 44. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons. Support for new claims 58-61 is found at, e.g., Figs. 8A-8C and pages 34-38 of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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